

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JESSIE KINCAID,

Plaintiff,

v.

NATIONAL CREDIT ADJUSTERS,
L.L.C.,

Defendant.

Case No. 4:17-00366-CV-RK

ORDER

Before the Court is Plaintiff's Motion for Default Judgment (doc. 8). Upon review of the record, pleadings, and motion, the Court finds as follows:

1. Plaintiff, a resident of St. Joseph, Missouri, filed this action on May 11, 2017.
2. Plaintiff filed this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"). Plaintiff's Complaint alleges causes of action for violations of the FDCPA by Defendant in connection with an alleged debt from Plaintiff.
3. On July 6, 2017, Plaintiff filed a return of service of the Complaint showing that Defendant was served on June 6, 2017. (Doc. 3.)
4. Defendant's answer was due on or before June 27, 2017.
5. On July 24, 2017, the Court issued an Order to Show Cause as to why the case should not be dismissed for failure to prosecute because no timely answer to the Complaint had been filed, and Plaintiff had not requested default. (Doc. 4.)
6. On July 27, 2017, Plaintiff filed a motion requesting that the Clerk enter default against Defendant under Federal Rule of Civil Procedure 55(a). (Doc. 5.)
7. On July 28, 2017, the Clerk of the Court entered default against Defendant. (Doc. 6.)

8. More than five months passed with no further action by Plaintiff. On January 25, 2018, the Court again issued an Order to Show Cause as to why this case should not be dismissed for failure to prosecute. (Doc. 7.)
9. On February 9, 2018, Plaintiff filed a Motion for Default Judgment (doc. 8).
10. On February 12, 2018, Plaintiff filed Suggestions in Support of Motion for Default Judgment (doc. 9).
11. To date, Defendant has not filed an answer or otherwise responded to the Complaint, nor has Defendant appeared by a representative in this matter.

Based on this procedural history and a review of Plaintiff's Motion for Default Judgment and supporting materials, the Court concludes that default judgment against Defendant is proper under the circumstances. Upon review, taking all the allegations in Plaintiff's Complaint as true, the Court finds Defendant violated the FDCPA as follows:

- a. Defendant violated 15 U.S.C. § 1692c(a)(2) in that Defendant contacted Plaintiff directly in connection with the collection of a debt after receiving notification that Plaintiff was represented by counsel.

Based on the foregoing, and considering the affidavits and evidence presented by Plaintiff, the Court finds Defendant is liable to Plaintiff for statutory damages in accordance with 15 U.S.C. § 1692k(a)(2)(A) in the sum of \$1,000.00; reasonable attorney fees and costs of \$3,600.00 for attorney fees in accordance with 15 U.S.C. § 1692k(a)(3); and \$465.00 court costs.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Default Judgment (doc. 8) is **GRANTED**. The Court awards a judgment in favor of the Plaintiff Jessie Kincaid and against Defendant National Credit Adjusters, LLC, in a total amount of \$5,065.00 as follows:

a. FDCPA Statutory Damages	\$1,000.00
b. Attorney's Fees	\$3,600.00
c. Court Costs	\$465.00
TOTAL	\$5,065.00

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: February 23, 2018